

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 12

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE
OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of
the State of Idaho assembled in the Second Regular Session of the Sixtieth
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the people of the state of Idaho are endowed with certain in-
alienable rights expressly conveyed to individuals in the Constitution of
the United States; and

WHEREAS, in its ruling in *Citizens United v. Federal Election Commis-
sion*, No. 08-205, Slip Opinion (U.S. January 21, 2010), <http://www.supremecourtus.gov/opinions/09pdf/08-205.pdf>, the United States Supreme Court
departed from a century of legal precedent affirming the public interest of
and government authority in limiting corporate and labor organization cam-
paign spending; and

WHEREAS, at the federal level, the concerns about unchecked political
spending on elections extends back to the early twentieth century when Pres-
ident Theodore Roosevelt called for campaign finance reform in his annual
messages to Congress in 1905 and 1906, resulting in the Tillman Act of 1907,
which, in an effort to expressly distinguish between corporate and individ-
ual political spending on elections, banned direct contributions by corpo-
rations to federal candidates; and

WHEREAS, in its opinion in *Federal Election Comm'n v. National Right to
Work Comm.*, 459 U.S. 197 (1982), the United States Supreme Court unanimously
observed that "In order to prevent both actual and apparent corruption,
Congress aimed a part of its regulatory scheme at corporations. The statute
reflects a legislative judgment that the special characteristics of the
corporate structure require particularly careful regulation. While 441b
restricts the solicitation of corporations and labor unions without great
financial resources, as well as those more fortunately situated, we accept
Congress' judgment that it is the potential for such influence that demands
regulation;" and

WHEREAS, the Supreme Court of the United States, for many decades, has
repeatedly and consistently upheld reasonable limits on campaign spending,
including independent expenditures; and

WHEREAS, corporations and labor organizations are neither citizens nor
voters, yet through the expenditure of unlimited amounts of money, now have
within their power the ability to disproportionately influence the outcome
of an election; and

WHEREAS, as a result of the *Citizens United v. Federal Election Com-
mission* ruling, there is likely to be a chilling effect on candidates and
elected officials deterred from advocating and implementing policies that

1 advance the public interest but may injure corporations or labor organiza-
2 tions.

3 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
4 Session of the Sixtieth Idaho Legislature, the House of Representatives
5 and the Senate concurring therein, that we urge and petition the Congress
6 of the United States and particularly the members of Congress representing
7 the state of Idaho to use their efforts, energies and diligence in applying
8 the powers vested in the legislative branch to negate the harmful effects of
9 the United States Supreme Court's decision in *Citizens United v. Federal*
10 *Election Commission*.

11 BE IT FURTHER RESOLVED that we urge the United States Congress to place
12 limits, through lawmaking or constitutional amendment, on independent
13 expenditures made by corporations and labor organizations with the primary
14 purpose of influencing the outcome of any federal election.

15 BE IT FURTHER RESOLVED that we urge the United States Congress to affirm
16 the power of the states to set limits, through lawmaking or constitutional
17 amendment, on all forms of contributions and expenditures made by corpora-
18 tions and labor organizations to influence the outcome of elections in the
19 states.

20 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Represen-
21 tatives be, and is hereby authorized and directed to forward a copy of this
22 Memorial to the President of the Senate and the Speaker of the House of Rep-
23 resentatives of Congress, and the congressional delegation representing the
24 State of Idaho in the Congress of the United States.